

REMARKS

Claims 14, 18-20, 26, and 29 have been amended. Claims 17 and 28 have been cancelled. Claims 14-16, 18-27, and 29 are pending and under consideration.

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

I. Rejection under 35 U.S.C. § 102

In the Office Action, at pages 2-5, claims 14-19 and 21-29 were rejected under 35 USC § 102(e) as being anticipated by Maggenti (U.S. Patent No. 6,633,765).

Independent claim 14 has been amended to recited:

sending a request notification to at least some of the subscriber stations, the request notification announcing that a transmission of the payload information is pending and including an information field that indicates whether or not a reply to the request notification should be sent by the subscriber stations before the payload information is transmitted to the subscribers stations; and

transmitting the payload information only to subscriber stations from which a reply was received.

It is respectfully submitted that Maggenti does not discuss or suggest these features of claim 14. According to Maggenti, in order to receive a specific multicast service that no other subscriber station located in the same geographical coverage area already receives from the network, the subscriber station initiates a communication with the base station to request the establishment of that specific multicast service. After forwarding the request through various network components, the requested multicast service is established in the geographical area in which the requesting subscriber station is located and all other subscriber stations are informed by the base station of the request from the subscriber station concerning this service. In this manner, all other subscriber stations that desire to receive the same service do not have to go through the same request procedure, but instead may receive the already established multicast service directly (see Maggenti, col. 8, line 12 through col. 10, line 17). Furthermore, according to Maggenti, from time to time a query/poll is sent from the base station to the subscriber stations to determine which multicast services are still needed in the coverage area of the base station. Each subscriber station then responds to the so-called membership query with a membership report indicating the multicast group(s) to which it currently belongs. However, not every subscriber station responds with a membership report, only the ones belonging to other multicast groups than those already reported by other subscriber stations, thereby allowing the

base station to obtain an overview of the current need for multicast services (see Maggenti, col. 10, lines 18-54).

In contrast to Maggenti, claim 14 provides that a notification notifying a group of subscriber stations of pending payload information is sent from the base station to the subscriber stations before the payload information is transmitted. Only when the subscriber stations are requested to reply to the notification, by means of an information field included in the notification, do the subscriber stations respond to the notification. If the base station receives replies from the subscriber stations, the service is established and payload information is transmitted to the subscriber stations. If, instead, no response from the subscriber stations is received at the base station, the pending payload information is not transmitted. Thus, subscriber stations do not have to request transmission of payload information pertaining to a specific service, but instead the base station informs the subscriber stations of the service that may be established by requesting the subscriber stations to provide feedback on whether or not they are interested in the service. Thus, subscriber stations according to claim 14 do not have to request the establishment of a service, but can simply confirm their interest in a service notified by the base station. As such, the request notification method of claim 14 is different from Maggenti and, therefore, not taught by Maggenti.

Since Maggenti does not discuss or suggest all of the features of claim 14, claim 14 patentably distinguishes over Maggenti. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

Claims 15-16, 19, and 21-25 depend either directly or indirectly from claim 14, and include all the features of claim 14, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claims 15-16, 19, and 21-25 patentably distinguish over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Independent claims 26 and 29 recite features similar to those discussed above. Since Maggenti does not discuss or suggest all of the features of claims 26 and 29, claims 26 and 29 patentably distinguish over Maggenti. Accordingly, withdrawal of these § 102(e) rejections is respectfully requested.

Claim 27 depends directly from claim 26, and includes all the features of claim 26, plus additional features that are not discussed or suggested by the reference relied upon. Therefore, claim 27 patentably distinguishes over the reference relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 102(e) rejection is respectfully requested.

II. Rejection under 35 U.S.C. § 103

In the Office Action, at page 6, claims 20 was rejected under 35 USC § 103(a) as being unpatentable over Maggenti in view of 3GPP.

As discussed above, Maggenti does not discuss or suggest all of the features of claim 14, so that claim 14 patentably distinguishes over Maggenti. 3GPP fails to make up for the deficiency in Maggenti with respect to claim 14, so that claim 14 patentably distinguishes over the combination of Maggenti and 3GPP. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

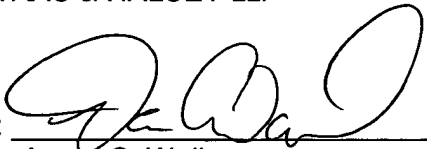
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-10-09

By: 
Aaron C. Walker
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501